

After the foregoing report had been read,

Senator Davidson of Galveston moved that it be adopted.

The motion prevailed by the following vote:

Yeas—28.

Beaty.	Patterson.
Davidson of	Paulus.
Galveston.	Potter.
Dibrell.	Savage.
Goss.	Sebastian.
Grinnan.	Stafford.
Hanger.	Staples.
Harris of Bexar.	Swann.
Harris of Hunt.	Turner.
James.	Turney.
Johnson.	Wayland.
Lipscomb.	Wheeler.
Lloyd.	Wilson.
Miller.	Yett.
Neal.	

Absent.

Davidson of
DeWitt.

Present—Not voting.

McGee. Odell.

Senator Davidson of Galveston moved to reconsider the vote by which the report was adopted, and lay that motion on the table.

Motion to table prevailed.

SENATE BILL NO. 169—ON SECOND READING.

On motion of Senator Goss, the pending order of business (Senate bill No. 132) was suspended and the Senate took up, out of its order,

Senate bill No. 169, A bill to be entitled "An Act to amend Article 467, Chapter 4, Title XVIII, Revised Statutes, 1895, with reference to the issuance of bonds by cities and towns; the creation of a fund to pay interest, and to provide a sinking fund to redeem said bonds; to provide for the proper investment of the sinking fund, to prescribe the duties of the city treasurers with reference to said funds, and to provide an emergency."

Bill was read second time.

MOTION TO ADJOURN—LOST.

Pending further action on Senate bill No. 169.

Senator Johnson moved that the Senate stand adjourned until 10 o'clock a. m. tomorrow.

Motion to adjourn was lost.

SENATE BILL NO. 169—CONSIDERATION OF RESUMED.

The Senate here resumed consideration

of pending business, Senate bill No. 169, and

Senator Goss offered the following amendment:

"Amend by adding after the word 'city,' in lines 16 and 21, the words 'or county.'"

Amendment was read, and adopted.

Senator Goss offered the following amendment:

"Amend caption by inserting before the word 'cities' the word 'counties.'"

Amendment was read, and adopted.

ADJOURNMENT.

Senator Patterson moved that the Senate stand adjourned until 10 o'clock a. m. tomorrow, and

Senator Lloyd moved that the Senate recess until 8 o'clock p. m.

Action recurring on the longest time first the motion of Senator Patterson prevailed, and the Senate, at 5:35 o'clock p. m. accordingly adjourned.

FIFTY-FIFTH DAY.

Senate Chamber,

Austin, Tex., Friday, April 5, 1901.

Senate met pursuant to adjournment.

Lieutenant-Governor Browning in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Present—30.

Beaty.	Neal.
Davidson of	Odell.
DeWitt.	Patterson.
Davidson of	Paulus.
Galveston.	Potter.
Dibrell.	Savage.
Grinnan.	Sebastian.
Hanger.	Stafford.
Harris of Bexar.	Staples.
Harris of Hunt.	Swann.
James.	Turner.
Johnson.	Turney.
Lipscomb.	Wayland.
Lloyd.	Wheeler.
McGee.	Wilson.
Miller.	Yett.

Absent.

Goss.

Prayer by the Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of yesterday,

On motion of Senator McGee, the same was dispensed with.

EXCUSED.

On motion of Senator Potter, Senator Goss was excused from further attend-

ance upon the Senate on account of important business.

COMMITTEE REPORTS.

The following committee reports were made to the Senate:

Committee Room,
Austin, Texas, April 5, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on State Penitentiaries, to whom was referred

Senate bill No. 186, being a bill to be entitled "An Act to require all convicts, whether worked by the State or otherwise, to work the public roads of the counties in which said convicts may be worked by the State, or any one else, and to provide a penalty for the violation of this act,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do not* pass.

NEAL, Chairman.

Committee Room,
Austin, Texas, April 5, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on State Penitentiaries, to whom was referred

House bill No. 269, being a bill to be entitled "An Act to amend Article 3698, of Chapter 6, of Title LXXIX, and to fix the minimum salaries of under-officers and employes of the State penitentiaries of Texas,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do* pass, and be not printed.

NEAL, Chairman.

Committee Room,
Austin, Texas, April 5, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Stock and Stock-raising, to whom was referred

House bill No. 69, being a bill to be entitled "An Act to amend Article 4998, Title CII, Chapter 5, of the Revised Civil Statutes of the State of Texas,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do* pass.

Floor report.

TURNER, Chairman.

MAJORITY REPORT.

Committee Room,

Austin, Texas, April 5, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on State Affairs, to whom was referred

House bill No. 236, being a bill to be entitled "An Act to amend Article 4367, of Chapter 3, Title XCIV, of the Revised Civil Statutes of the State of Texas, regulating the place where railroad companies chartered by the State shall keep and permanently maintain their general offices; also regulating the place where they shall keep and maintain their machine shops and roundhouses; and providing an adequate remedy in case the same shall be removed without the authority of law,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do not* pass.

ODELL, Chairman.

MINORITY REPORT.

Committee Room,
Austin, Texas, April 5, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: We, a minority of your Committee on State Affairs, to whom was referred

House bill No. 236, being a bill to be entitled "An Act to amend Article 4367, of Chapter 3, Title XCIV, of the Revised Civil Statutes of the State of Texas, regulating the place where railroad companies chartered by the State shall keep and permanently maintain their general offices; also regulating the place where they shall keep and maintain their machine shops and roundhouses; and providing an adequate remedy in case the same shall be removed without the authority of law,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do* pass.

GRINNAN,
ODELL.

Committee Room,
Austin, Texas, April 5, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 304, being a bill to be entitled "An Act to amend Title XVIII, Chapter 3, Article 407, so as to provide

for the manner of appointing deputy marshals in cities and towns, and declaring an emergency,"

And find the same correctly engrossed.
BEATY, Chairman.

Committee Room,
Austin, Texas, April 5, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Agricultural Affairs, to whom was referred

Substitute House bill No. 261, being a bill to be entitled "An Act to provide for the extension and enlargement of the iron pipe manufactory in the State penitentiary at Rusk, Texas; authorizing and directing the Penitentiary Board to purchase timber or timbered lands and iron ore, or lands containing deposits of iron ore sufficient to supply the charcoal and iron ore necessary to run and operate the iron smelting furnace and pipe works situated in said penitentiary to their full capacity, as herein provided, and on full time, for not less than five years from the date of this act; providing for conducting experiments and tests at the State iron smelting furnace in said penitentiary in the use of lignite and brown coal as fuel in the smelting of iron; prescribing by whom said tests shall be made, and if such tests prove successful, directing the Penitentiary Board to contract for and provide such quantity of lignite for the use of such smelting furnace and iron manufactories as may be necessary for their use and consumption thereafter; providing for the appointment of a general manager of the iron industry of the Texas penitentiary, and prescribing his qualifications, powers, duties and compensation, and prescribing certain duties of the Superintendent of Penitentiaries in relation to said iron industry and its general manager; and making an appropriation therefor,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do* pass, with the following amendments.

SUBSTITUTE HOUSE BILL NO. 261.— COMMITTEE AMENDMENTS.

"Amend the caption by striking out the words 'and on full time'; amend the caption by striking out all after the words 'consumption thereof' down to and including the words 'general manager, where they last occur.

"Amend by striking out all after the enacting clause and inserting the following:

"Section 1. That the penitentiary

board are hereby authorized and directed to have enlarged and extended the capacity of the iron pipe manufactory in the State penitentiary at Rusk, Texas, so that the same shall consume the product of the furnace. The said extension and enlargement of the said iron pipe manufactory shall be made and conducted by and under the supervision of the said penitentiary board and Superintendent of Penitentiaries and his assistant at Rusk.

"Sec. 2. The penitentiary board are hereby authorized to purchase, with the consent of the Governor, timber or timbered lands, and iron ore, or lands containing deposits of iron ore sufficient to supply the charcoal and ore necessary to run and operate the iron smelting furnace and pipe works situated in the State penitentiary at Rusk, Texas, to their full capacity as herein provided for a period of not less than five years from the date of this act; provided, said lands and timber can be purchased at a reasonable price.

"Sec. 3. The penitentiary board, the Superintendent of the Penitentiaries and his assistant at Rusk are authorized and hereby instructed to have conducted at the State iron smelting furnace of said penitentiary at Rusk experiments and tests in the use of lignite or brown coal as a fuel, in whole or in combination with charcoal or coke, in the smelting of iron in said furnace, said experiments and tests to be made by and under the supervision of the penitentiary board, the Superintendent of the Penitentiaries and his assistant at Rusk, and by an expert selected and employed by said penitentiary board, and said board shall, as soon as possible thereafter, report the result of said experiments and tests to the Governor; and if said experiments shall prove successful, and it shall appear therefrom to the satisfaction of the Governor and the penitentiary management that lignite can be profitably used as a fuel, alone or in combination with charcoal, in the smelting or other manufacturing processes of iron in said penitentiary, it shall be the duty of the penitentiary board and the Superintendent and Financial Agent of Penitentiaries immediately thereupon to contract for and furnish such quantity and supply of lignite as is determined to be best adapted for the smelting of iron ore.

"Sec. 4. That to carry out the provisions of this act, there be and is hereby appropriated out of any monies in the State treasury belonging to the general revenue not otherwise appropriated the sum of ten thousand dollars; and it

is further enacted that the said sum of ten thousand dollars thus appropriated shall be returned to the State treasury as soon as the same can be done without detriment to the penitentiary system.

"Sec. 5. The fact that it is to the material interest of Texas to develop her iron resources, and at the same time give useful employment to her convicts within the walls of the penitentiary, therefore an emergency and an imperative public necessity exists which renders it necessary that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted."

SWANN, Chairman.

BILLS AND RESOLUTIONS.

By Senator Lloyd:

Senate bill No. 305, A bill to be entitled "An Act to amend Article 185, of the Penal Code of the State of Texas, relating to keeping open bar rooms, saloons and other places where intoxicating liquors are sold on election day, and to the sale and giving away of intoxicating liquors on election day, so as to extend the provisions of said article to primary elections."

Read first time, and referred to Judiciary Committee No. 2.

FIRST HOUSE MESSAGE.

The following first House message was here delivered to the Senate:

Hall of the House of Representatives,
Austin, Texas, April 5, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: I am directed by the House to inform the Senate that the House has passed the following bills:

Senate bill No. 69, A bill to be entitled "An Act to amend an act passed by the Twenty-fifth Legislature, entitled 'An Act to amend Article 976, Chapter 8, Title XXVII, of the Revised Civil Statutes of the State of Texas, relating to the payment of costs and returning mandates in the Supreme Court,' by adding thereto Article 976a, regulating the time in which mandates may be taken out of the Supreme Court," with amendments.

Senate bill No. 105, A bill to be entitled "An Act to amend Section 4, of Chapter 7, of the act passed by the Called Session of the Twenty-sixth Legislature, approved February 21, 1900, so as to provide that school trustees in independent school districts not in a city or town having an assessor and collector shall elect from the members of the board an assessor and collector of taxes, and to

prescribe his powers and duties, and the duties of the board with reference to the collection of taxes; also for the organization of the board and the election of officers," with amendments.

Senate bill No. 53, A bill to be entitled "An Act regulating the printing of election tickets to be voted at any State, district, county, precinct or municipal election or primary election in this State; defining the duties of those charged with the responsibility of providing election tickets, with reference to the preparation of such tickets; providing for the endorsement of such regularly prepared tickets as official by the county judge of the county wherein such ticket is to be voted; prohibiting the printing or circulating of election tickets not so prepared and endorsed as official, and providing penalty therefor," with amendments.

House bill No. 537, A bill to be entitled "An Act to create a more efficient road system for Karnes county," etc.

The House has concurred in the Senate amendment to House bill No. 508.

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

PRIVILEGED COMMUNICATION.

The Chair laid before the Senate, and had read, the following communication:

1214 NORTH DELAWARE STREET.

April 1, 1901.

Mr. J. P. Pool, Secretary, Austin, Texas.

DEAR SIR: Mrs. Harrison has received the resolution adopted by the Senate of Texas on the death of her husband, General Benjamin Harrison, and asks me to express to you her grateful appreciation of the tribute and of the kindness which prompted it.

Very truly yours,

E. F. TIBBOTT.

(President Pro Tem. Miller in the chair.)

SENATE BILL NO. 303—SIGNED.

The Chair (President Pro Tem. Miller) gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read:

Senate bill No. 303, "An Act to provide for and to authorize the Northern Texas Traction Company to extend its electric road now owned and operated by it from the city of Fort Worth, in the county of Tarrant, State of Texas, through the counties of Tarrant and Dallas to and into the city of Dallas, in said Dallas county, in said State, and to empower said traction company to condemn lands and other property for the uses and purposes of said corporation, and to provide

the method therefor, and to authorize said corporation to exercise the same rights and powers over the line so constructed as it now exercises over the line of road now owned and operated by it, and to do such other things and assume all rights and obligations necessary to the accomplishment of the purposes of this act."

The Chair (President Pro Tem. Miller) here declared the morning call concluded.

(Lieutenant-Governor Browning in the chair.)

HOUSE BILL NO. 376—ON THIRD READING.

On motion of Senator Davidson of De Witt, the pending order of business (Senate bill No. 169) was suspended and the Senate took up, out of its order,

House bill No. 376, A bill to be entitled "An Act to amend Article 4785a, Chapter 6, Title XCVII, of the Revised Statutes of the State of Texas."

The Chair laid the bill before the Senate, on its third reading.

Bill was read third time, and passed.

HOUSE CONCURRENT RESOLUTION NO. 22—ADOPTED.

On motion of Senator Stafford, the pending business (Senate bill No. 169) was suspended and the Senate took up, out of its order,

House Concurrent Resolution No. 22, Memorializing Congress to submit a constitutional amendment providing for the election of United States Senators by a direct vote of the people.

Resolution was read second time, and adopted.

HOUSE BILLS NOS. 420, 157, 470, 255, 519 AND 206—SIGNED.

The Chair gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read:

House bill No. 420, "An Act to amend Chapter 106 of the General Laws of the Twenty-sixth Legislature, State of Texas, at its Regular Session, amending Chapter 65 of an act passed by the Twenty-fifth Legislature at its Regular Session, said chapter being 'An Act to create a more efficient road system for Red River county, Texas; making county commissioners ex-officio road commissioners, and prescribing their duties as such; and to provide for their compensation as road commissioners; and defining the powers and duties of the commissioners court of said county; to provide for working of county convicts on public roads, and regulating same; providing for officers' fees in convicting convicts

and recapturing county convicts; for summoning teams and tools for road work, and compensating for same; and providing penalty for violation of this act, and to repeal all laws and parts of laws in conflict with this act."

House bill No. 157, "An Act to forbid the issuance by any person, firm, association of persons, corporations, or the agents of either, of any ticket, check or writing obligatory, to any servant or employe for labor, redeemable or payable only in goods or merchandise by said person, firm, association of persons or corporation, and to provide a penalty for the violation of this act."

House bill No. 470, "An Act to prohibit railroad and railway companies or corporations in this State from permitting Johnson grass or Russian thistles from going to seed upon their right of way, and fixing a penalty."

House bill No. 255, "An Act to amend Article 1039, Chapter 21, Title XXVII, of the Revised Civil Statutes of Texas, and to add thereto Article 1039a, prescribing the proceedings of the Courts of Civil Appeals in making and filing conclusions of fact and law."

House bill No. 519, "An Act to create a more efficient road system for Grayson county, in the State of Texas, and making county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners, and providing for the appointment of deputy road commissioners, and defining the powers and duty of the commissioners court of said county, and to provide for the manner of trimming hedges along any public road, and fixing a penalty for the violation of this act, and to repeal all laws in conflict with this act, and declaring an emergency."

House bill No. 206, "An Act to appropriate one thousand dollars to erect a vault for the deposit of the remains of the Mier prisoners."

IN THE SENATE.

The Chair had read, and referred the following House bill:

House bill No. 537 (see foregoing first House message for caption) referred to Committee on Roads, Bridges and Ferries.

SECOND HOUSE MESSAGE.

The following second House message was here delivered to the Senate:

Hall of the House of Representatives.
Austin, Texas, April 5, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: I am directed by the House to

inform the Senate that the House has passed the following bills:

Senate bill No. 22, A bill to be entitled "An Act to provide for the incorporation of mutual fire insurance companies, and defining their powers and duties," with amendments.

House bill No. 514, A bill to be entitled "An Act to amend certain sections of an act entitled 'An Act to incorporate the city of Dallas, and to grant it a new charter,' approved May 9, 1899, and subsequent amendments thereto passed by the First Called Session of the Twenty-sixth Legislature, and to repeal certain sections thereof, and declaring an emergency."

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

IN THE SENATE.

The Chair had read, and referred the following House bills:

House bill No. 514 (Dallas Charter) referred to Committee on Towns and City Corporations.

SENATE BILL NO. 69—HOUSE AMENDMENTS CONCURRED IN.

Senator Wilson called up from the table, where it lay with House amendments,

Senate bill No. 69, A bill to be entitled "An Act to amend an act passed by the Twenty-fifth Legislature, entitled 'An Act to amend Article 976, Chapter 8, Title XXVII, of the Revised Civil Statutes of the State of Texas, relating to the payment of costs and returning mandates in the Supreme court,' by adding thereto Article 976a, regulating the time in which mandates may be taken out of the Supreme Court,"

And moved that the Senate concur in the following House amendments thereto:

(1) "Amend by striking out all of lines 21 and 22, of page 1 of the bill, and inserting in lieu thereof the following:

"Section 1. That Article 976 of the Revised Civil Statutes, as amended by Chapter 138 of the General Laws passed at the Regular Session of the Twenty-fifth Legislature, be amended so as to read as follows; and further, by adding thereto a new article numbered 976a, as hereinafter set out."

(2) "Amend the caption by adding after the words 'Supreme Court' the words 'the same being Chapter 138 of the General Laws passed at the Regular Session thereof.'"

(3) "Amend by substituting the word 'from' for the word 'to,' in line 4, on page 2 of the printed bill, after the words 'all mandates.'"

(4) "Amend by adding after the word 'court,' in line 17, page 2, the following: 'Provided, that in any cause which has heretofore been reversed and remanded by the Supreme Court or the Court of Civil Appeals, the mandate in all such cases shall be taken out within twelve months from and after the passage of this act, and not thereafter.'"

Motion to concur in House amendments prevailed.

SENATE BILL NO. 214—ON SECOND READING.

On motion of Senator Beaty, the pending order of business (Senate bill No. 169) was suspended, and the Senate took up, out of its order,

Senate bill No. 214, A bill to be entitled "An Act to amend Title XV, Chapter 3, Article 605, of the Penal Code of the State of Texas, relating to assaults to commit some other offense, and to fix the punishment for an assault with intent to commit murder."

The Chair laid the bill before the Senate, on its second reading.

Bill was read second time, and ordered engrossed.

SENATE BILL NO. 22—FREE CONFERENCE COMMITTEE ASKED FOR.

Senator Paulus called up from the table, where it lay with House amendments,

Senate bill No. 22, A bill to be entitled "An Act to provide for the incorporation of mutual fire insurance companies, and defining their powers and duties,"

And moved that the Senate do not concur in the House amendments, and that the Senate ask the House for a Free Conference Committee on the same.

The motion prevailed, and

SENATE BILL NO. 22—FREE CONFERENCE COMMITTEE NAMED.

The Chair named the following committee:

Senators Paulus, McGee, Hanger, Miller and Staples.

SENATE BILL NO. 247—ON SECOND READING.

On motion of Senator Staples, the pending order of business (Senate bill No. 169) was suspended and the Senate took up, out of its order,

Senate bill No. 247, A bill to be entitled "An Act to create the office of State Mine, Factory and Boiler Inspector; to provide for appointment of inspector, duties thereof, and salary."

The Chair laid the bill before the Senate, on its second reading.

Bill was read second time, and

Senator Dibrell offered the following amendment:

"Amend Senate bill No. 247 by striking out the enacting clause."

(Senator Potter in the chair.)

Pending action on the foregoing.

Senator Savage offered the following amendment, which the Chair (Senator Potter) held tended to perfect the bill, hence had precedence over the amendment of Senator Dibrell, which would kill the bill:

"Strike out all after the word 'Senate,' in Section 1, and insert in lieu thereof the following, 'when in his judgment it is demanded by the citizens of the State.'"

Amendment was read, and adopted.

(Lieutenant-Governor Browning in the chair.)

Senator Patterson offered the following amendment:

"Amend by striking out all after the word 'of,' in line 15, on page 1 of the bill, and inserting in lieu thereof 'the Buffaloes.'"

Amendment was read, and lost by the following vote:

Yeas—5.

Beaty.	Paulus.
Dibrell.	Turner.
Patterson.	

Nays—21.

Davidson of	Neal.
DeWitt.	Odell.
Grinnan.	Potter.
Hanger.	Savage.
Harris of Bexar.	Sebastian.
Harris of Hunt.	Stafford.
James.	Staples.
Lipscomb.	Swann.
Lloyd.	Turney.
McGee.	Wheeler.
Miller.	Yett.

Present—Not voting.

Johnson.

Absent.

Davidson of	Wayland.
Galveston.	Wilson.

Absent—Excused.

Goss.

Senator Turner offered the following amendment:

"Amend Section 4 of the printed bill by adding after the words 'in operation,' in line 26, the words 'steam laundries, printing offices, pork packeries, soap and sausage manufactories, court houses, hotels, hospitals, penitentiaries, jails, churches and public school buildings.'"

Amendment was read, and lost.

Action then recurring on the amendment offered by Senator Dibrell, striking out the enacting clause, the same was again read, and adopted by the following vote:

Yeas—17.

Beaty.	Patterson.
Davidson of	Paulus.
DeWitt.	Potter.
Dibrell.	Sebastian.
Grinnan.	Stafford.
Hanger.	Turner.
James.	Turney.
McGee.	Wayland.
Neal.	Yett.

Nays—9.

Harris of Bexar.	Savage.
Harris of Hunt.	Staples.
Lipscomb.	Swann.
Lloyd.	Wheeler.
Odell.	

Absent.

Davidson of	Miller.
Galveston.	Wilson.

Johnson.

Absent—Excused.

Goss.

Senator Beaty moved to reconsider the vote by which the amendment was adopted.

Motion to table prevailed.

THIRD HOUSE MESSAGE.

The following third House message was here delivered to the Senate:

Hall of the House of Representatives.
Austin, Texas, April 5, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: I am directed by the House to inform the Senate that the House has passed the following resolution:

House Concurrent Resolution No. 21, Authorizing the Superintendent of Public Buildings and Grounds to lease certain lots in the city of Austin.

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

COMMITTEE REPORTS.

(By unanimous consent.)

Committee Room,

Austin, Texas, April 5, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Judiciary Committee No. 2, to whom was referred

House bill No. 303, being a bill to be entitled "An Act to amend Article 918a, Chapter 14a, Title XVII, of the Penal Code of the State of Texas, regulating

the filling of bottles with compounds or defacing in any way the mark or device on bottles, syphons or other containers."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do* pass, but be not printed.

MILLER, Acting Chairman.

Committee Room,
Austin, Texas, April 5, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Public Lands and Land Office, to whom was referred

House bill No. 98, being a bill to be entitled "An Act to amend Section 6, Chapter 11, Acts of the Twenty-sixth Legislature, passed at the First Called Session, known as Substitute Senate bill No. 2, and approved February 23, 1900, relating to the sale of unsurveyed school land,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do* pass, and that same be not printed.

Floor report.

SEBASTIAN, Chairman.

Committee Room,
Austin, Texas, April 5, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 214, being a bill to be entitled "An Act to amend Title 15, Chapter 3, Article 605, of the Penal Code of the State of Texas, relating to assaults to commit some other offense, and to fix the punishment for an assault to commit murder,"

And find the same correctly engrossed.

BEATY, Chairman.

Committee Room,
Austin, Texas, April 5, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 303, being "An Act to provide for and to authorize the Northern Texas Traction Company to extend its electric road now owned and operated by it from the city of Fort Worth, in the county of Tarrant, State of Texas, through the counties of Tarrant and Dallas to and into the city of Dallas, in said Dallas county, in said State, and to empower said Traction Company to con-

demn lands and other property for the uses and purposes of said corporation, and to provide the method therefor, and to authorize said corporation to exercise the same rights and powers over the line so constructed as it now exercises over the line of road now owned and operated by it, and to do such other things and assume all rights and obligations necessary to the accomplishment of the purposes of this act,"

And find the same correctly enrolled, and have this day, at 10:20 o'clock a. m., presented the same to the Governor for his approval.

WHEELER, Acting Chairman.

Committee Room,
Austin, Texas, April 5, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on State Asylums, to whom was referred

House bill No. 98, being a bill to be entitled "An Act to create, establish and maintain a branch asylum or home for the care, treatment and support of idiots and imbeciles of this State, and to make an appropriation therefor,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do* pass.

YETT, Chairman.

Committee Room,
Austin, Texas, April 5, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 293, being a bill to be entitled "An Act to aid Brazoria county, Texas, by supplementing the road and bridge fund by donating and granting to it the State ad valorem and occupation taxes collected upon property and persons in said county for a period of ten years, and providing for a proper transfer to said funds,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do* pass, with the following amendment:

"Substitute 'two years' for 'ten years' wherever the same appears in the bill.

And that it be not printed.

Floor report.

STAFFORD, Chairman.

Committee Room,
Austin, Texas, April 5, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Roads,

Bridges and Ferries, to whom was referred

House bill No. 537, being a bill to be entitled "An Act to create a more efficient road system for Karnes county,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and that it be not printed.

Floor report.

MILLER, Chairman.

HOUSE BILL NO. 189—FREE CONFERENCE COMMITTEE REPORT MADE.

The followin Free Conference Committee report was made to the Senate:

Austin, Texas, April 4, 1901.

Hon. J. N. Browning, President of the Senate, and Hon. R. E. Prince, Speaker of the House of Representatives.

SIRS: We, your Free Conference Committee appointed to adjust the differences between the House and Senate on House bill No. 189, beg leave to report as follows:

We recommend that the following Free Conference substitute bill pass in lieu of House bill No. 189.

McGEE,
SAVAGE,
TURNER,

On the part of the Senate.

GREER,
HESLEP,
EVANS,
CALVIN,
GARY,

On the part of the House.

FREE CONFERENCE COMMITTEE
SUBSTITUTE BILL NO. 189.

A BILL

TO BE ENTITLED

An Act to amend Article 4340, of Title XCII, of the Revised Civil Statutes of Texas, relating to declaring quarantine in counties and cities and maintaining and paying the expenses of same.

Be it enacted by the Legislature of the State of Texas:

That Article 4340, of Title XCII, of the Revised Civil Statutes, be amended so as to hereafter read as follows:

Section 1. Upon the petition of twenty reputable citizens of a county that they have reason to believe or do believe that they are threatened at any point or place within or without the county limits with the introduction or dissemination of a dangerous, contagious or infectious disease that can and

should be guarded against by quarantine the county judge of such county shall immediately convene the commissioners court for the purpose of declaring a quarantine against any and all such diseases, and if in the judgment of the commissioners court it is necessary they shall direct the county physician to declare quarantine against any and all dangerous diseases, and to establish and maintain and supply stations and camps for those held in quarantine; to provide hospitals, tents or pest houses for those sick of contagious diseases; to furnish provisions, medicine and all other things absolutely essential for the comfort of the well and the convalescence of the sick; provided, that in case the county judge or commissioners court shall from any cause fail or refuse to act as herein required, or the commissioners court shall fail or refuse to declare a quarantine within two days from the receipt by the county judge of the petition herein provided for, such petitioner may appeal to the State Health Officer, whose duty it shall be to go at once or send an assistant to the place sought to be quarantined, and if he deems it necessary declare and maintain a quarantine, but if he deems it unnecessary, shall refuse to declare a quarantine.

Sec. 2. Whenever a quarantine has been declared by the commissioners court of a county it shall be the duty of the county judge to immediately notify the State Health Officer that such quarantine has been declared, and it shall be the duty of the State Health Officer to go at once or send an assistant and take charge of such quarantine, and if he deems it necessary maintain the same, or if he deems the quarantine unnecessary then he shall have power to declare the same off. And in all cases the local quarantine officers shall be subject to the authority and under the control of the State Health Officer, except where a city, town or county is maintaining a quarantine at their own expense, which they shall have power to do in the event the State Health Officer refuses to declare a quarantine for them.

Sec. 3. Chartered cities and towns are included within the provisions of this article, and the mere fact of incorporation does not exclude them from the protection against epidemic diseases herein given to other parts of their respective counties, and the city council of all incorporated cities and towns shall have same power to declare and maintain a quarantine within the limits of their city or town as the commissioners court of a county, subject to the same conditions and limitations as pro-

vided in this act. And the mayor of a city or town shall have the same powers within the limits of his city or town as are herein given to the county judge, subject to the same conditions and limitations as herein provided.

Sec. 4. Medical officers of chartered cities and towns can perform the duties commanded or granted in their several charters, but must, if the county physician is not the city physician also, be amenable to the rules prescribed by the State Health Officer.

The county physician shall keep an itemized account of all lawful expenses incurred by local quarantine, and shall make affidavit to the correctness thereof, and on the approval first of the county judge of the county in which such local quarantine is established and then by the Governor, after it has been audited by the State Health Officer, two-thirds of such expenses shall be paid by the State and one-third by the county.

In case of quarantine by city or town, the city physician shall keep an itemized account in like manner as required of the county physician of all expenditures, and make affidavit to the correctness thereof, and upon the approval first of the mayor and then by the Governor, after it has been audited by the State Health Officer, two-thirds of such expenses shall be paid by the State and one-third by the city or town quarantined.

Sec. 5. The county physician and such assistants as he may appoint are empowered to arrest all persons suffering with any dangerous and infectious disease, or known to have been exposed to the same, and isolate them at their own place of residence, or at some hospital or camp for such period of time as may be prescribed by the State Health Officer as necessary to protect public health, and if any person so isolated shall leave such residence, hospital or camp before discharged by the physician in charge, shall, upon conviction thereof, be fined in any sum not exceeding two hundred dollars.

Sec. 6. Owing to the fact that at present infectious and contagious diseases are raging in many counties of this State, and that said counties are undergoing hardships from the maintenance of local quarantine, and many of them are bankrupt and unable to cope with the disease or maintain a quarantine, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days, and said rule is hereby suspended,

and this act shall take effect and be in force from and after its passage, and it is so enacted.

HOUSE BILL NO. 275—ON SECOND READING.

On motion of Senator Neal, the pending order of business (Senate bill No. 169) was suspended and the Senate took up, out of its order,

House bill No. 275, A bill to be entitled "An Act to amend Section 26, Chapter 5, General Laws of the State of Texas, passed at the First Called Session of the Twenty-fifth Legislature of the State of Texas, approved June 26, 1897, fixing certain civil fees to be charged by certain county and precinct officers."

The Chair laid the bill before the Senate, on its second reading.

Bill was read second time, and passed to a third reading.

On motion of Senator Neal, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Beaty.	Odell.
Davidson of	Patterson.
DeWitt.	Paulus.
Dibrell.	Potter.
Grinnan.	Savage.
Hanger.	Sebastian.
Harris of Bexar.	Stafford.
Harris of Hunt.	Staples.
James.	Swann.
Johnson.	Turner.
Lipscomb.	Turney.
Lloyd.	Wayland.
McGee.	Wheeler.
Miller.	Yett.
Neal.	

Absent.

Davidson of Galveston. Wilson.

Absent—Excused.

Goss.

Bill was read third time, and passed.

HOUSE BILL NO. 250—ON SECOND READING.

On motion of Senator Odell, the pending order of business (Senate bill No. 169) was suspended and the Senate took up, out of its order,

House bill No. 250, A bill to be entitled "An Act to create a more efficient road system for the counties in this State, and making county commissioners ex-officio road commissioners, and prescribing their powers and duties as such, and providing for their compensation as such road commissioners, and providing for the condemning of material for the con-

struction and maintenance of public roads, and to provide for the compensation for the material used, and providing for the working of county convicts on the public roads and the purchase of supplies for such convicts, and rewards for the capture of escaped county convicts, and for commutation of sentence for faithful service and good behavior, and defining the powers and duties of road overseers, and to provide for the summoning of hands and teams for road work, and the allowance for time for service of hands and teams on public roads, and fixing a penalty for violation of same, and relieving them from the performance of such work by the payment of three dollars, and providing further, making this act cumulative of the General Laws now in force, and to repeal all laws in conflict with this act, and declaring an emergency."

The Chair laid the bill before the Senate, on its second reading.

Bill was read second time, and

Senator Hanger offered the following amendment:

"Amend the bill by adding after the word 'Lamar,' in Section 13, the words 'Grayson, Collin and Hunt, Dallas and Bell.'"

Amendment was read, and adopted.

Senator Hanger offered the following amendment:

"Amend the bill by striking out the word 'five,' in Section 11, and inserting in lieu thereof the word 'four.'"

Amendment was read, and adopted, and

The bill was passed to a third reading.

On motion of Senator Hanger, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Beaty.	Odell.
Davidson of	Patterson.
DeWitt.	Paulus.
Dibrell.	Potter.
Grinnan.	Savage.
Hanger.	Sebastian.
Harris of Bexar.	Stafford.
Harris of Hunt.	Staples.
James.	Swann.
Johnson.	Turner.
Lipscomb.	Turney.
Lloyd.	Wayland.
McGee.	Wilson.
Miller.	Yett.
Neal.	

Present—Not voting.

Wheeler.

Absent.

Davidson of
Galveston.

Absent—Excused.

Goss.

Bill was read third time, and passed by the following vote:

Yeas—28.

Beaty.	Odell.
Davidson of	Patterson.
DeWitt.	Paulus.
Dibrell.	Potter.
Grinnan.	Savage.
Hanger.	Sebastian.
Harris of Bexar.	Stafford.
Harris of Hunt.	Staples.
James.	Swann.
Johnson.	Turner.
Lipscomb.	Turney.
Lloyd.	Wayland.
McGee.	Wilson.
Miller.	Yett.
Neal.	

Present—Not voting.

Wheeler.

Absent.

Davidson of
Galveston.

Absent—Excused.

Goss.

Senator Hanger moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

Motion to table prevailed.

HOUSE BILL NO. 405—ON SECOND READING.

On motion of Senator Swann, the pending order of business (Senate bill No. 169) was suspended and the Senate took up, out of its order,

House bill No. 405, A bill to be entitled "An Act to amend Chapter 118, Acts of 1897, providing a more efficient road system for Milam county, Texas."

The Chair laid the bill before the Senate, on its second reading.

Bill was read second time, and passed to a third reading.

On motion of Senator Swann, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Beaty.	Johnson.
Davidson of	Lipscomb.
DeWitt.	Lloyd.
Davidson of	McGee.
Galveston.	Miller.
Dibrell.	Neal.
Grinnan.	Odell.
Hanger.	Patterson.
Harris of Bexar.	Paulus.
Harris of Hunt.	Potter.
James.	Savage.

Sebastian.	Turner.
Stafford.	Turney.
Staples.	Wayland.
Swann.	Wheeler.

Absent.

Wilson.	Yett.
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Absent—Excused.

Goss.

Bill was read third time, and passed by the following vote:

Yeas—28.

Beaty.	Miller.
Davidson of	Neal.
DeWitt.	Odell.
Davidson of	Patterson.
Galveston.	Paulus.
Dibrell.	Potter.
Grinnan.	Savage.
Hanger.	Sebastian.
Harris of Bexar.	Stafford.
Harris of Hunt.	Staples.
James.	Swann.
Johnson.	Turner.
Lipscomb.	Turney.
Lloyd.	Wayland.
McGee.	Wheeler.

Absent.

Wilson.	Yett.
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Absent—Excused.

Goss.

CONSIDERATION OF HOUSE BILLS —RESOLUTION FOR CALLED UP.

Senator Johnson called up from the table, where it lay subject to call, the following resolution:

Resolved, That Tuesdays be set apart for the consideration of House bills, and that no House bill be considered on any other days, and that they be taken up in their regular order.

Resolution was read second time, with the following pending amendment by Senator McGee:

"Amend by adding, 'except by unanimous consent.'"

The foregoing amendment having previously been accepted by Senator Johnson, became a part of the resolution, and Senators Hanger and Patterson offered the following amendment:

"Amend the resolution by adding the following: 'The provisions of this resolution shall not apply to local or road bills.'"

The amendment was read, and

Senator Davidson of DeWitt moved and the resolution rdlu oin dlu oin dluu the previous question on the amendment and the resolution, which motion being duly seconded, the Chair put the question—

Shall the main question be now ordered?

The main question was ordered by the following vote:

Yeas—17.

Davidson of	Lloyd.
DeWitt.	Neal.
Davidson of	Patterson.
Galveston.	Potter.
Dibrell.	Sebastian.
Grinnan.	Stafford.
Hanger.	Swann.
Harris of Bexar.	Turner.
James.	Wayland.
Johnson.	

Nays—10.

Beaty.	Paulus.
Harris of Hunt.	Savage.
Lipscomb.	Staples.
McGee.	Turney.
Odell.	Wheeler.

Present—Not voting.

Miller.

Absent.

Wilson.

Yett.

Absent—Excused.

Goss.

Action recurring on the amendment offered by Senators Hanger and Patterson, the same was adopted.

The resolution as amended was then adopted by the following vote:

Yeas—17.

Davidson of	Lloyd.
DeWitt.	McGee.
Davidson of	Neal.
Galveston.	Patterson.
Dibrell.	Potter.
Grinnan.	Sebastian.
Hanger.	Stafford.
Harris of Bexar.	Swann.
James.	Turner.
Johnson.	

Nays—9.

Beaty.	Savage.
Harris of Hunt.	Staples.
Lipscomb.	Turney.
Odell.	Wheeler.
Paulus.	

Absent.

Miller.

Wilson.

Wayland.

Yett.

Absent—Excused.

Goss.

Senator Odell made the point of order that it required two-thirds of those present to change a Senate rule, and the resolution has such effect.

FIRST EXECUTIVE MESSAGE.

The Chair laid before the Senate the following first executive message:

EXECUTIVE OFFICE,
STATE OF TEXAS.

Austin, April 5, 1901.

To the Senate:

The advice and consent of the Senate is asked to the appointment as notaries public of the persons whose names appear in the accompanying list.

JOSEPH D. SAYERS,
Governor.

BEE COUNTY.

Blanca—M. McGuill.
Beville—R. W. Fenner.

BEXAR COUNTY.

San Antonio—A. L. Magruder, M. W. Terrell.

BAYLOR COUNTY.

Seymour—A. H. Britain.

BELL COUNTY.

Belton—D. M. Sloan.

BROWN COUNTY.

Kathleen—O. C. Trumbull.
Clio—Charley Wilson.

CAMP COUNTY.

Pittsburg—J. H. Enlow, A. S. Zachry.
Leesburg—T. L. Skeen.

DENTON COUNTY.

Lewisville—Benj. L. Spencer.

DONLEY COUNTY.

Clarendon—H. B. White.

DALLAS COUNTY.

Dallas—Charles F. Crutcher, A. S. Coleman, J. M. McCoy, Louis C. Maynard, N. J. Darden, Harvey G. Randall, Leo Wolfson, Mut Crawford, L. B. Torrey, D. A. Eldridge, Fount Ray, J. D. Fouraker, H. M. Sims.

ELLIS COUNTY.

Ennis—W. M. Tidwell.

EASTLAND COUNTY.

Jewell—S. Hixon.

ERATH COUNTY.

Stephenville—B. F. Russell.

GALVESTON COUNTY.

Galveston—F. M. Gilbough, John Grothgar, P. T. Lomax.

GLASSCOCK COUNTY.

Garden City—G. L. Bayard.

GREGG COUNTY.

Longview—T. B. Stinchcomb, E. F. Young, W. F. Young.
Gladewater—J. T. Jeter D, W. Wood.
Kilgore—R. W. Wynn, Jr.
Elderville—W. J. Blackburn.

GRIMES COUNTY.

Navasota—E. A. Scott.

HARRIS COUNTY.

Houston—L. W. Greenly, Malcom J. McRae, I. I. Ross.

HARRISON COUNTY.

Marshall—W. G. Rudd.

HENDERSON COUNTY.

Wild Cat—W. A. Parmer.

JEFFERSON COUNTY.

Beaumont—C. C. Bulgier, George A. Taylor, J. D. Martin, Jr.

JASPER COUNTY.

Kirbyville—S. B. Conn.

KAUFMAN COUNTY.

Kaufman—James Young.
Daugherty—C. S. Smith.

KNOX COUNTY.

Benjamin—J. M. Morgan, J. A. Stephens.

LAMAR COUNTY.

Paris—Travis Henderson, E. A. Calvin.
Blossom—Eugene Black.
Cathrons—B. D. Jorden.

LAVACA COUNTY.

Hallettsville—P. H. Green.

MATAGORDA COUNTY.

Van Vleck—W. J. Shelton.

MASON COUNTY.

Streeter—V. J. Ponton.

MILAM COUNTY.

Gause—J. R. Fraim, Jr.
Jones' Prairie—W. C. Weise.
Thorndale—E. B. Echols.
Rockdale—E. B. Phillips, Henry Lockwood.
Conoly—A. H. Conoly.
Lilac—John P. Looney.
Hanover—A. F. Robinson.
Todd—W. D. Tyson.
Carkson—W. B. Harris.

Sandy Ridge—Geo. Cook.
Marak—Joseph Matula.
McGill—Tracy Hobson.
Collier—M. E. Collier.

MONTAGUE COUNTY.

Bowie—R. P. Dunford, Joe Bowers.

MOTLEY COUNTY.

Matador—J. M. Campbell, F. E. McGaughey.

M'LENNAN COUNTY.

Waco—W. B. Lawson, W. H. Forrester, K. B. Pool, M. W. Sackett, C. C. Beckley, Edwin W. Hander, John B. Cooper, T. M. Dilworth, E. C. Duty, B. F. Stuart, R. A. Burleson.
McGregor—Lucille L. King, W. C. O'Bryan, J. H. Norton.
Ryan—Harry C. Chamberlain.
Crawford—W. N. Tadlock.

NAVARRO COUNTY.

Corsicana—J. P. Cheney.

NOLAN COUNTY.

Sweetwater—J. V. W. Holmes, E. L. Hopkins.

POLK COUNTY.

Livingston—Davis McCardle.
Leggett—C. J. Pinckard.

PANOLA COUNTY.

Carthage—Robert Scott.

REFUGIO COUNTY.

Tivoli—J. M. Roseborough.

RUSK COUNTY.

Laneville—Wm. M. Booker.

ROCKWALL COUNTY.

Heath—J. A. J. Franklin.

SAN JACINTO COUNTY.

Cammilla—Bob McMicken.

TARRANT COUNTY.

Fort Worth—Sarah L. Edmundson, May Traweek, Geo. W. Parker, Tunstall Morris, Samuel G. Tomlinson, C. R. Keith, B. C. Carter, J. H. Finks.
Arlington—W. R. Eaves.

THROCKMORTON COUNTY.

Throckmorton—T. J. Wright.

TRAVIS COUNTY.

Austin—W. F. Moore, L. M. Crooker.

UPSHUR COUNTY.

Gilmer—W. R. Stephens.
Simpsonville—Andrew Quinn.

51—Senate.

VAN ZANDT COUNTY.

Fundia—W. J. Fisher.
Wills Point—W. L. Haynes.
Grand Saline—J. J. Ramsey.

VICTORIA COUNTY.

Victoria—C. E. Way, W. B. Luck.
Mission Valley—S. R. Watson, W. F. Deas.
Nursery—L. S. Wilborne, Albert Schawe.

WALLER COUNTY.

Hempstead—Keet McDade.
Hegar—W. T. McPherson, J. W. Page.

WARD COUNTY.

Monahan—James M. Frame.

WHARTON COUNTY.

El Campo—E. H. Koch, Gus Seydler.
East Bernard—J. L. Neal.
Glen Flora—Andrew Mersfelder.

WICHITA COUNTY.

Wichita Falls—J. H. Banvis, Jr.

WILLIAMSON COUNTY.

Georgetown—E. R. Bainbridge.
Round Rock—L. W. McClure.

WISE COUNTY.

Decatur—J. H. Cates.
Bridgeport—H. G. Leonard.

YOUNG COUNTY.

Graham—Evans Jackson.

ANDERSON COUNTY.

Tennessee Colony—Dr. J. T. Rather.

AUSTIN COUNTY.

Sealy—F. H. Wojtek.

DELTA COUNTY.

Cooper—S. D. Ross.

FALLS COUNTY.

Marlin—E. T. Johnson.
Mooreville—G. L. Williamson.

GALVESTON COUNTY.

Galveston—John Adriance.

JONES COUNTY.

Anson—Levi E. Herring.

HUNT COUNTY.

Greenville—L. L. Bowman.
Kingston—J. S. Stokes.

TAYLOR COUNTY.

Abilene—R. E. Carter, J. E. Wills, W. B. Lewis, D. T. Harkrider.

LAVACA COUNTY.

Shiner—J. C. Habermacher.

WALLER COUNTY.

Sunnyside—Frank Holick.
Brookshire—T. N. Bemus, J. W. Edmondson.

WOOD COUNTY.

Mineola—A. B. Terry, Sam Joseph.

TARRANT COUNTY.

Fort Worth—J. F. Hovenkamp, Mabel A. Matkin, Jas. S. Davis.

JEFFERSON COUNTY.

Beaumont—Leonard Isaacs.

FALLS COUNTY.

Marlin—W. P. Hutchings.

MILLS COUNTY.

Big Valley—John C. S. Baird.

MASON COUNTY.

Kotemcy—A. C. Baze.

ORANGE COUNTY.

Orange—S. W. Sholars, Jr.

ADJOURNMENT.

On motion of Senator James, the Senate, at 1 o'clock p. m., adjourned until 3 o'clock p. m.

AFTERNOON SESSION.

Senate met pursuant to adjournment. Lieutenant-Governor Browning in the chair.

Roll call. Quorum present, the following Senators answering to their names:

Present—25.

Beaty.	Miller.
Davidson of	Neal.
DeWitt.	Odell.
Davidson of	Patterson.
Galveston.	Paulus.
Dibrell.	Potter.
Grinnan.	Savage.
Hanger.	Sebastian.
Harris of Bexar.	Stafford.
Harris of Hunt.	Staples.
Johnson.	Wayland.
Lipscomb.	Wheeler.
Lloyd.	Wilson.
McGee.	

Absent—5.

James.	Turney.
Swann.	Yett.
Turner.	

Goss. Absent—Excused.

SENATOR ODELL'S POINT OF ORDER—OVERRULED.

The Chair overruled the point of order made by Senator Odell during the morning session on the adoption of the resolution presented by Senator Johnson.

HOUSE BILLS NOS. 508 AND 376 AND HOUSE CONCURRENT RESOLUTION NO. 22—SIGNED.

The Chair gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read,

House bill No. 508, being "An Act to extend the time of payment of the State and county taxes for the year 1900 in the counties of Brazoria, Fort Bend, Wharton, Waller, Galveston, Colorado and Austin until February 1, 1902, from and after the first day of May, 1901."

House bill No. 376, "An Act to amend Article 4785a, Chapter 6, Title XCVII. of the Revised Statutes of the State of Texas."

House Concurrent Resolution No. 22, Memorializing Congress to submit a constitutional amendment providing for the election of United States Senators by a direct vote of the people.

SENATE BILL NO. 105—HOUSE AMENDMENTS CONCURRED IN.

Senator Potter called up from the table, where it lay with House amendments,

Senate bill No. 105, A bill to be entitled "An Act to amend Section 4, Chapter 7, of the act passed by the Called Session of the Twenty-sixth Legislature, approved February 21, 1900, so as to provide that school trustees in independent school districts not in a city or town having an assessor and collector shall elect from the members of the board an assessor and collector of taxes; and to prescribe his powers and duties and the duties of the board with reference to the collection of taxes; also for the organization of the board and the election of officers."

And moved that the Senate concur in the following House amendments:

"Amend the bill by adding at the end of Section 1 the following: 'Provided, that independent school districts outside of cities and towns having a city assessor and collector of taxes, are cities, towns

and villages incorporated for school purposes only, the county assessor and the county collector are, and it is hereby made their duty, upon the written request of any school board, to assess and collect all taxes for said schools, and for such service they shall receive such compensation as may be agreed upon, not to exceed two per cent. for assessing and two per cent. for collecting, such per cent. always to be based upon the total amount of such taxes so collected.'

"Amend by adding after the word 'president,' in line 31, page 1, the words 'and shall appoint a.'

"Strike out the word 'double,' in line 2, page 2.

"Amend by striking out all of Section 1, after the word 'purposes,' line 12, page 3, reading as follows: 'Provided, that all assessors shall adopt as the value of all property in the district the assessed value for State and county purposes of last preceding year.'"

Motion to concur prevailed.

HOUSE BILL NO. 169—FREE CONFERENCE COMMITTEE REPORT ADOPTED.

Senator Davidson of DeWitt presented the following privileged report:

Committee Room,
Austin, Texas, April 5, 1901.

Hon. J. N. Browning, President of the Senate, and Hon. R. E. Prince, Speaker of the House of Representatives.

SIRS: Your Free Conference Committee appointed to confer with the House Free Conference Committee on House bill No. 169, beg leave to report and announce that the joint committee recommend the concurrence in the Senate amendments to the bill.

DAVIDSON of DeWitt,
DAVIDSON of Galveston,
MILLER,
HANGER,
On the part of the Senate.
CALVIN,
BULLOCK,
GLENN,
COLE,
NAPIER,
On the part of the House.

After the foregoing report had been read, it was, on motion of Senator Davidson of DeWitt, adopted.

HOUSE BILL NO. 387—ON SECOND READING.

On motion of Senator Savage, the pending order of business (Senate bill No. 169) was suspended and the Senate took up, out of its order,

House bill No. 387, A bill to be entitled "An Act to amend and extend the special road law of Wise county, as enacted by the Twenty-fifth Legislature of the State of Texas, so that Sections 6, 12, 13, shall hereafter read as herein provided, and that other sections be added as herein specified."

The Chair laid the bill before the Senate, on its second reading.

Bill was read second time, and passed to a third reading.

On motion of Senator Savage, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—21.

Beaty.	Miller.
Davidson of	Odell.
DeWitt.	Patterson.
Davidson of	Paulus.
Galveston.	Potter.
Hanger.	Savage.
Harris of Bexar.	Sebastian.
Harris of Hunt.	Stafford.
Johnson.	Staples.
Lipscomb.	Turner.
Lloyd.	Turney.
McGee.	

Absent.

Dibrell.	Wayland.
Grinnan.	Wheeler.
James.	Wilson.
Neal.	Yett.
Swann.	

Absent—Excused.

Goss.

Bill was read third time, and passed.

HOUSE BILL NO. 312—ON THIRD READING.

On motion of Senator Beaty, the pending order of business (Senate bill No. 169) was suspended and the Senate took up, out of its order,

House bill No. 312, A bill to be entitled "An Act to authorize and create a more efficient system of public roads and bridges for Liberty county; for the issuance of bonds for said county for the purpose of constructing permanent public roads; to authorize the investment of the public school funds of the State and of said county in such bonds; to provide for and limit the expenditure of monies arising from the sale of such bonds; to prescribe and define the power and duties of the commissioners court in reference thereto, and to validate public roads heretofore laid out and established in said county."

The Chair laid the bill before the Senate, on its third reading.

Bill was read third time, and passed.

COMMITTEE REPORT.

(By unanimous consent.)

Committee Room,
Austin, Texas, April 5, 1901.*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Towns and City Corporations, to whom was referred House bill No. 514, being a bill to be entitled "An Act to amend certain sections of an act entitled 'An Act to incorporate the city of Dallas, and to grant it a new charter,' approved May 9, 1899, and subsequent amendments thereto, passed by the First Called Session of the Twenty-sixth Legislature, and to repeal certain sections thereof, and declaring an emergency,"

Have had the same, with attached amendments, under consideration, and I am instructed to report same and said amendments back to the Senate with the recommendation that it do pass, and the committee further recommends that said bill and amendments thereto be not printed.

DAVIDSON of Galveston, Chairman.

HOUSE BILL NO. 514—COMMITTEE AMENDMENTS.

1. Strike out all of Section 2 of said bill amending Section 9 of said charter.
2. Strike out all of Section 4 of said bill amending Section 31 of said charter.
3. Strike out all of Section 5 of said bill amending Section 32 of said charter.
4. Strike out all of Section 6 of said bill amending Section 33 of said charter.
5. Strike out all of Sections 15 and 17 of said bill amending or otherwise altering Sections 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211 and 212 of the charter of the city of Dallas as it now exists.

6. That the sections of this act be re-numbered so as to conform to the foregoing amendments striking out certain sections of said bill.

HOUSE BILL NO. 516—ON SECOND READING.

On motion of Senator Lloyd, the pending order of business (Senate bill No. 169) was suspended and the Senate took up, out of its order,

House bill No. 516, A bill to be entitled "An Act to create a more efficient road system for Cherokee county, Texas, and making the county commissioners of said county ex-officio road commissioners, prescribing their duties, providing compensation for their services, and requiring that they give bond; providing that the commissioners or overseers shall summon hands to bring teams, tools, etc.,

to perform work on the roads; providing compensation for overseers, teams, tools, etc.; providing for the working of county convicts on the public roads; fixing the compensation for such service; providing guards, board, lodging and medical aid for the same; giving rewards for the capture of escaped convicts, and giving commutation of sentence for faithful or meritorious service; requiring delinquent poll tax payers to work out their poll tax on the public roads, and providing for a special road tax, and requiring that no part of the road and bridge fund or other special road tax shall ever be diverted to any other purpose, and declaring an emergency."

The Chair laid the bill before the Senate on its second reading.

Bill was read second time, and

Senator Lloyd offered the following amendment:

"Amend the caption by inserting after the word 'tax,' in line 19, the following, 'created by this act.'"

Amendment was read, and adopted.

Senator Lloyd offered the following amendment:

"Amend line 19, Section 9, page 7, by inserting after the word 'tax-payers' the words 'on realty.'"

Amendment was read, and adopted.

The bill was then passed to a third reading.

On motion of Senator Lloyd, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—22.

Beaty.	McGee.
Davidson of	Miller.
DeWitt.	Neal.
Davidson of	Odell.
Galveston.	Patterson.
Grinnan.	Paulus.
Hanger.	Potter.
Harris of Bexar.	Savage.
Harris of Hunt.	Sebastian.
Johnson.	Staples.
Lipscomb.	Turner.
Lloyd.	Turney.

Absent.

Dibrell.	Wayland.
James.	Wheeler.
Stafford.	Wilson.
Swann.	Yett.

Absent—Excused.

Goss.

Bill was read third time, and passed.

SENATE BILL NO. 301—ON SECOND READING.

On motion of Senator Davidson of Galveston, the pending order of business

(Senate bill No. 169) was suspended and the Senate took up, out of its order,

Senate bill No. 301, A bill to be entitled "An Act to amend Chapter 2, Title XXV, of the Revised Statutes of Texas, 1895, by adding Articles 884, 885 and 886, authorizing counties and cities in which there has been heretofore, or may be hereafter, great destruction of property and depreciation of taxable values occasioned by storms, floods or other great disasters, to compromise, settle, fund or refund their valid, subsisting bonded and floated indebtedness, and for such purpose to issue bonds without submitting the question of insurance to a vote of the tax-payers and to exchange said bonds for outstanding bonds, warrants or scrip or to sell said bonds and apply the proceeds in settlement of said indebtedness; also to repeal all laws in conflict with the provisions of this act."

The Chair laid the bill before the Senate on its second reading.

Bill read second time, and ordered engrossed.

On motion of Senator Davidson of Galveston, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—22.

Beaty.	Miller.
Davidson of	Neal.
DeWitt.	Odell.
Davidson of	Patterson.
Galveston.	Paulus.
Grinnan.	Potter.
Hanger.	Savage.
Harris of Bexar.	Sebastian.
Harris of Hunt.	Staples.
Johnson.	Turner.
Lipscomb.	Turney.
McGee.	Wilson.

Absent.

Dibrell.	Swann.
James.	Wayland.
Lloyd.	Wheeler.
Stafford.	Yett.

Absent—Excused.

Goss.

Bill was read third time, and
(Senator Stafford in the chair.)

The bill was passed by the following vote:

Yeas—23.

Beaty.	Harris of Bexar.
Davidson of	Harris of Hunt.
DeWitt.	Johnson.
Davidson of	Lipscomb.
Galveston.	McGee.
Grinnan.	Miller.
Hanger.	Neal.

Odell.	Stafford.
Patterson.	Staples.
Paulus.	Turner.
Potter.	Turney.
Savage.	Wheeler.
Sebastian.	

Absent.

Dibrell.	Wayland.
James.	Wilson.
Lloyd.	Yett.
Swann.	

Absent—Excused.

Goss.

Senator Davidson of Galveston moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

Motion to table prevailed.

SENATE RULES—RESOLUTION CHANGING.

By unanimous consent,

Senator Odell offered the following resolution:

Resolved, That the order of business as prescribed in the Senate Rules be changed, and hereafter bills be considered in the following order: First, the appropriation bill; second, bills embodying demands or pledges contained in the democratic State platform adopted at Waco in 1900; third, the order of business as heretofore prescribed in the Senate Rules.

Resolution was read first time, and

On motion of Senator Potter, was referred to the Committee on Rules.

SENATE BILLS NOS. 100 AND 69— SIGNED.

(Lieutenant-Governor Browning in the chair.)

The Chair gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read,

Senate bill No. 100, "An Act for the relief of Mary E. Batchelor, widow of James W. Batchelor."

Senate bill No. 69, "An Act to amend an Act passed by the Twenty-fifth Legislature, entitled 'An Act to amend Article 976, Chapter 8, Title XXVII, of the Revised Civil Statutes of the State of Texas, relating to the payment of costs and returning mandates in the Supreme Court,' by adding thereto Article 976a, regulating the time in which mandates may be taken out of the Supreme Court."

(Senator Stafford in the chair.)

SUBSTITUTE HOUSE BILL NO. 71— ON SECOND READING.

On motion of Senator Sebastian, the pending order of business (Senate bill

No. 169) was suspended and the Senate took up, out of its order,

Substitute House bill No. 71, A bill to be entitled "An Act to amend Article 4218g, Chapter 12a, Title LXXXVII, of the Revised Statutes of Texas, and to amend Articles 4218f and 4218s, of the same chapter and title, as amended by the Act of the Twenty-fifth Legislature of Texas, Chapter 139, General Laws of 1897, page 184, relating to the sale and lease of public free school, asylum and public lands."

The Chair (Senator Stafford) laid the bill before the Senate, on its second reading.

Bill was read second time, with the following committee amendment:

"Amend by striking out all after the enacting clause and inserting the following:

"Section 1. That it shall be the duty of the Commissioner of the General Land Office to notify in writing the county clerk of each county the classification and valuation fixed upon each section of land in his county, and in each county attached to it for judicial purposes, and said Commissioner of the General Land Office shall make forthwith a correct and revised list for each county of all unsold lands therein, and he shall forward the same by registered letter to the county clerk of the county for which said list was made, or to the county clerk of the county to which said county is attached for judicial purposes, and the Commissioner of the General Land Office shall, on application therefor, furnish any citizen a copy of said list for as many counties as applied for, making a reasonable charge for such list or lists, and the Commissioner of the General Land Office shall file the return receipt for said registered letter among the papers of his office and keep the same for future reference; and said Commissioner of the General Land Office shall also notify said clerk of each and every sale as soon as said sales are made. Upon receipt of said list, or any notice required to be given under the provisions of this act, the county clerk receiving the same shall forthwith file and record said list in a well bound book to be kept for that purpose, and thereafter when notified of the sale of any section of land therein described, he shall enter opposite the description of the land so sold the name of the purchaser and the date when sold; and the said list so furnished said clerk, and said book shall be considered public records and open to public inspection, and it is hereby made the duty of the county clerk to exhibit said book and the records to any person who shall ap-

ply to him therefor. For the purpose of furnishing the several counties in this State and the clerks thereof with a revised list of all the unsold lands in this State, as provided in this act, the Commissioner of the General Land Office is hereby authorized to employ two expert clerks at a salary not to exceed one hundred dollars per month, each; provided, their services shall be discontinued when said lists shall have been made, and provided, the employment shall not exceed four months.

"In case any county clerk of any county in this State after the receipt of the list of unsold lands or notices concerning the same, hereinbefore provided to be sent to him by the Commissioner of the General Land Office, shall fail to file, record or exhibit the same, as hereinbefore provided, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than one hundred dollars nor more than five hundred dollars.

"Sec. 2. Any person desiring to purchase school or asylum lands shall make a separate application for each tract applied for, addressed to the Commissioner of the General Land Office, describing the lands sought to be purchased, which application shall be accompanied with the affidavit of the applicant in effect that he desires to purchase the land for a home, and has in good faith settled thereon, except where otherwise provided by law; and he shall also swear that he is not acting in collusion with others for the purpose of buying land for any other person or corporation, and that no other person or corporation is interested in the purchase thereof. He shall accompany said application with his obligation to the State, duly executed, binding the purchaser to pay to the State on the first day of November of each year thereafter until the whole purchase money is paid, one-fortieth of the aggregate price with interest at the rate of three per cent. per annum on the whole unpaid purchase money, which interest shall also be payable on the first day of November of each year. Said application, oath and obligation shall be filed in the office of the county clerk of the county in which the land applied for or a part thereof is situated, or of the county to which said county is attached for judicial purposes: but the clerk shall not file such application until the applicant shall have deposited with him the first payment of one-fortieth of the aggregate purchase money for the particular tract of land. Upon the receipt of said application and first payment, the county clerk shall endorse officially on the application the day and the hour

of filing, and record the same in full in a well bound book to be kept by him for that purpose, and shall also note on his record of unsold school lands, the name of the applicant and the date the application is filed, and as soon as the application is recorded, the book and page where recorded. The county clerk shall record the application and obligation without delay, recording all applications in the order in which they are filed, and shall forthwith transmit them when recorded to the Commissioner of the General Land Office, and the first payment to the State Treasurer. All applications shall take effect from the time they are filed in the office of the county clerk of the proper county; and for filing and recording each application and noting the name of applicant and date of application on the record of unsold lands and transmitting it to the Commissioner of the General Land Office and the first payment to the State Treasurer, and all other services in connection therewith, the clerk shall be entitled to a fee of one dollar for each application, to be paid by the applicant. Any failure or refusal of the county clerk to perform any duties required in this section shall be an offense, and upon conviction he shall be fined not less than one hundred dollars nor more than five hundred dollars.

"Sec. 3. All lands set apart or appropriated by Chapter XI of the act of the first called session of the 20th Legislature are declared to be a part of the permanent school fund and when surveyed, classified and valued, as herein provided, shall be subject to sale in such manner and on the same terms, conditions and limitations as are now or may hereafter be provided by law for the sale of surveyed school lands. Such lands may be leased at any time on the same terms as surveyed school lands are leased.

"All tracts or parcels of unsurveyed school lands containing 640 acres or less and which are now or may hereafter become detached from other public lands, may be sold at not less than one dollar per acre cash without the conditions of actual settlement, as now provided by law relating to the sale of other public school lands, or in the territory west of the 98th meridian of longitude, to actual settlers on the same terms and conditions that surveyed lands are sold to actual settlers.

"Applicants to purchase homestead donations on which three years continuous occupancy has been completed, may buy said land without actual settlement and occupancy.

"Any person desiring to purchase

any of the unsurveyed school lands shall first make application to the proper surveyor for a survey of said land as provided in Section 6, of Chapter XI, of the acts of the first called session of the 26th Legislature, regardless of the quantity of land in the tract or of the county in which it is situated.

"Sec. 4. The Commissioner of the General Land Office is hereby prohibited from selling to the same party more than four sections of land, and all applications to purchase lands shall also disclose the prior lands purchased by the applicant from the State, if any, since the taking effect of this act, and the residence of the applicant at said time, and if it appear therefrom, or from the records in the land office, that said applicant has already purchased land aggregating four sections since the taking effect of this act, his application shall be rejected; provided, this shall not apply to sales made to a purchaser and afterwards canceled as invalid for some reason other than abandonment and where the purchaser himself was not at fault. Every purchaser shall be required within three years after his purchase to erect permanent and valuable improvement on the land purchased by him, which improvement shall be of the reasonable market value of three hundred dollars. If any purchaser shall fail to reside upon and improve in good faith the land purchased by him as required by law, he shall forfeit said land and all payments made thereon to the State, to the same extent as for the non-payment of interest, and such land shall be again upon the market as if no such sale and forfeiture had occurred, and all forfeitures for non-occupancy shall have the effect of placing the land upon the market without any action whatever on the part of the Commissioner of the General Land Office. And if any purchaser shall be forced to yield possession of the land purchased by him from the State on account of any writ or other judicial process issued from a court of competent jurisdiction, or be compelled to temporarily yield his possession from a well grounded fear of death or serious bodily injury, such absence shall not work the forfeiture provided by law for non-occupancy; but no writ or injunction shall issue in any case involving the title or possession of lands herein referred to, where the applicant has an adequate remedy at law by sequestration or otherwise.

"Sec. 5. Any person desiring to lease any portion of the lands belonging to any of the funds mentioned in this act shall make application in writing to the Commissioner of the General Land

Office, specifying and describing the particular lands he desires to lease; and thereupon the Commissioner, if the lands applied for are subject to lease, and not in immediate demand for actual settlement, shall notify the applicant in writing who first files written application therefor that his proposition to lease is accepted, and thereupon he shall execute to the lessee in the name and by the authority of the State of Texas a lease of said lands for such time as may be agreed upon, and when satisfied that the lessee has paid to the Treasurer of the State the rent for one year in advance, he shall deliver said lease to the clerk of the county court of the county in which the land is situated, or of the county to which said county is attached for judicial purposes, and it shall be the duty of the clerk to record in a well bound book kept in his office open to public inspection, a memorandum or abstract of said lease, showing the number of the survey or surveys leased, the name of the original grantee, the amount leased, the name of the lessee, the date of the lease, and the number of years it has to run; and for entering said memorandum the clerk shall be entitled to a fee of twenty-five cents. Upon payment of said fee, the clerk shall deliver the lease to the lessee, and no other record of leases hereafter made shall be required except said memorandum. When any of such leases are filed for record the clerk shall make the memorandum or abstract above provided for. All lands which may be leased shall be subject to sale at any time, except where otherwise provided herein. This provision in regard to the sale of leased lands shall apply to leases heretofore made as well as those hereafter to be made. Any section or part of a section which may be leased shall not be sold except to the lessee, nor shall the lessee be disturbed in his possession thereof during the term of his lease, when he has placed on such section or part of a section improvements to the value of two hundred dollars.

"In the following named counties lands heretofore leased shall not be subject to sale until said leases expire, except as provided in Section 6 of this act, to wit: Kent, Garza, Lynn, Scurry, Borden, Dawson, Mitchell, Martin, Howard, Coke, Sterling, Glasscock, Tom Green, Irion, Schleicher, Menard, Mason and Uvalde.

"The following counties shall constitute the absolute lease district, to wit: El Paso, Jeff Davis, Presidio, Brewster, Reeves, Pecos, Loving, Winkler, Ward, Yoakum, Terry, Gaines, Andrews, Ector, Midland, Upton, Crane, Crockett, Sut-

ton, Val Verde, Edwards, Kinney, Kimble, Kerr, Bandera, Maverick, Zavala, Dimmitt, Frio, La Salle, McMullen, Webb, Duval, Nueces, Zapata, Starr, Hidalgo and Cameron. All tracts of land lying partly inside and partly outside of the absolute lease district shall be considered for the purpose of sale and lease, as being wholly without said district. And lands situated in the absolute lease district which may be leased shall not be sold during the term of the lease, except as provided in Section 6 of this act. On the expiration of any lease in the absolute lease district the lands shall remain subject to sale for a period of sixty days, except where there are improvements on a section of the value of two hundred dollars or more, and if it has been previously classified and valued by the Commissioner of the General Land Office, and notice given to the county clerk, it shall not be necessary to give the clerk any further notice in order to put the land on the market, but it shall be considered as already on the market and subject to sale. During said period of sixty days the Commissioner of the General Land Office shall suspend action upon any application to lease said land, and shall award it upon any legal application to purchase made during said time. And that the party purchasing any of said lands, whether inside or outside of the absolute lease district, or within the inclosure of another, shall not turn loose any stock within the inclosure until he shall have provided sufficient water for the stock so turned loose, and any violation of this provision shall be an offense, and upon conviction the party so offending shall be fined one dollar for each head of stock so turned loose, and each thirty days violation shall constitute a separate offense.

"If no application to purchase has been filed in the proper county clerk's office within sixty days after the expiration of the lease, then the former lessee shall have a preference right over any one else for thirty days thereafter to re-lease such lands or any part thereof. In all cases where the lease is terminated under any of the provisions of this act before the expiration of the term of the lease the lessee shall have a pro rata credit upon his next year's rent or the money refunded to him by the Treasurer as he may elect. On the expiration of his lease, or its termination under the provisions of law, or by a final judgment of any court of competent jurisdiction, the lessee shall have the right for the period of sixty days to remove any or all improvements he shall have placed upon the leased premises.

"No purchaser or other person than the lessee shall be permitted to turn loose within such lessee's inclosure more than one head of horses, mules or cattle, or in lieu thereof four head of sheep or goats, for every fifteen acres of land so purchased, owned or controlled by him and uninclosed. Each violation of the provisions of this act, which restrict the number of stock which may be turned loose in such enclosure, shall be an offense, and the offender, on conviction, shall be punished by fine of one dollar for each head of stock he may so turn loose, and each thirty days violation of the provisions of this section shall constitute a separate offense.

"The Commissioner of the General Land Office is hereby prohibited from renewing any lease before its expiration, as shown on the face of the original lease contract; and no lease contract shall be canceled, except in cases where the land has been or may be sold as provided by law, or where the lessee fails to pay the annual rental due the State within sixty days from the date it becomes due. And when the lessee shall fail to pay his annual rental within sixty days after it becomes due, the Commissioner of the General Land Office shall cancel said lease and immediately notify the county clerk of the county in which the land or a part thereof is situated, of the cancellation and the date when canceled, and the clerk shall note the date of cancellation on his lease record, and the land shall be on the market for sale for sixty days after said cancellation.

"Sec. 6. Any person entitled under the law to purchase school and asylum lands and who has heretofore leased, or may hereafter lease any such lands, or the assignee of such lessee, shall have the right to purchase at any time any or all sections of land so leased by him on which there are improvements of a permanent nature of the reasonable market value of five hundred dollars, on the same terms as other purchasers of lands of like character, except said improvements shall not be estimated in valuing the land, and said purchaser shall not be required to reside upon and improve said land, and said sections so purchased by him need not be situated within a radius of five miles of each other; provided, that not exceeding four sections shall be sold to the same purchaser and not exceeding four sections shall be sold out of any one lease.

"Sec. 7. All laws and parts of laws in conflict herewith are hereby repealed.

"Sec. 8. The importance of the legislation proposed and the crowded condition of the calendar rendering it im-

probable that this bill can be read on three several days, creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days, be suspended, and it is so enacted; and also amend the caption so that it shall hereafter read as follows:

"A bill to be entitled 'An Act relating to the sale and lease of public free school and asylum lands, and to repeal all laws and parts of laws in conflict herewith.'

SEBASTIAN, Chairman.

The foregoing committee amendment, after being read, was adopted, and

Senator Odell offered the following amendment:

"Amend the bill by striking out the following language on page 770, of the Journal, Sec. 5, to wit: 'Until said lease expires,' and insert in lieu thereof the following: 'Until the expiration of the present year for which the annual rental has been paid in advance to the State Treasurer.'"

Pending action on the foregoing amendment,

Senator Johnson offered the following amendment thereto:

"Amend the amendment by striking out 'the present year' and inserting in lieu thereof 'three years.'"

(Lieutenant-Governor Browning in the chair.)

Senator Miller moved the previous question on the amendment and amendment thereto, which motion being duly seconded, the Chair put the question—

Shall the main question be now ordered?

The main question was ordered, and

The amendment to the amendment was lost.

Action recurring on the amendment offered by Senator Odell, the same was lost by the following vote:

Yeas—7.

Davidson of	Lipscomb.
DeWitt.	Lloyd.
Grinnan.	Odell.
Johnson.	Staples.

Nays—17.

Beaty.	Potter.
Dibrell.	Savage.
Harris of Bexar.	Sebastian.
James.	Turner.
McGee.	Turney.
Miller.	Wheeler.
Neal.	Wilson.
Patterson.	Yett.
Paulus.	

Absent.

Davidson of	Hanger.
Galveston.	Harris of Hunt.

Stafford.
Swann.

Wayland.

Absent—Excused.

Goss.

Senator Odell offered the following amendment:

"Amend Section 5 by adding the following thereto: 'All lease contracts renewed before their expiration for the main purpose on the part of the lessee of preventing the sale of the land to actual settlers are declared void on account of public policy, and in any suit of trespass to try title brought by an applicant to purchase school land against one holding under such a lease, if plaintiff recovers the judgment of the court shall recite a finding to the effect that said lease had been renewed for such purpose, and thereafter all the lands covered thereby shall be subject to sale.'"

Amendment was read, and lost by the following vote:

Yeas—6.

Davidson of Lipscomb.
DeWitt. Odell.
Grinnan. Staples.
Johnson.

Nays—17.

Beaty. Potter.
Dibrell. Sebastian.
Hanger. Swann.
Harris of Bexar. Turner.
McGee. Turney.
Miller. Wheeler.
Neal. Wilson.
Patterson. Yett.
Paulus.

Present—Not voting.

James. Savage.
Lloyd.

Absent.

Davidson of Stafford.
Galveston. Wayland.
Harris of Hunt.

Absent—Excused.

Goss.

Senator Grinnan offered the following amendment:

"Amend Section 5 by inserting after the words 'agreed upon' where they first occur in said section the following: 'Not to exceed five years.'"

Amendment was read, and

Senator Miller moved the previous question on the amendment and the bill, which motion being duly seconded, the Chair put the question—

Shall the main question be now ordered?

The main question was ordered.

Action recurring on the amendment offered by Senator Grinnan, the same was lost by the following vote:

Yeas—12.

Davidson of Lloyd.
DeWitt. Odell.
Grinnan. Potter.
Harris of Bexar. Savage.
James. Staples.
Johnson. Wheeler.
Lipscomb.

Nays—14.

Beaty. Paulus.
Dibrell. Sebastian.
Hanger. Swann.
McGee. Turner.
Miller. Turney.
Neal. Wilson.
Patterson. Yett.

Present—Not voting.

Wayland.

Absent.

Davidson of Harris of Hunt.
Galveston. Stafford.

Absent—Excused.

Goss.

The bill was then passed to a third reading.

On motion of Senator Sebastian, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Beaty. Odell.
Davidson of Patterson.
DeWitt. Paulus.
Dibrell. Potter.
Grinnan. Savage.
Hanger. Sebastian.
Harris of Bexar. Swann.
James. Turner.
Lipscomb. Turney.
Lloyd. Wayland.
McGee. Wheeler.
Miller. Wilson.
Neal. Yett.

Nays—1.

Johnson.

Absent.

Davidson of Stafford.
Galveston. Staples.
Harris of Hunt.

Absent—Excused.

Goss.

Bill was read third time, and passed.
Senator Sebastian moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

Motion to table prevailed.

FOURTH HOUSE MESSAGE.

The following fourth House message was here delivered to the Senate:

Hall of the House of Representatives,
Austin, Texas, April 5, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: I am directed by the House to inform the Senate that the House has passed the following bills:

Senate bill No. 152, A bill to be entitled "An Act to aid the city of Galveston in elevating and raising said city, so as to protect it from calamitous overflows, by donating and granting to it the State ad valorem and part of the occupation and poll taxes collected upon property and from persons in said city for a period of fifteen years, and to provide a penalty for their misapplication," with amendment.

The House has granted the request of the Senate for a Free Conference Committee on Senate bill No. 22, and appoints Messrs. Calvin, McFall, Phillips, Terrell of McLennan and Willacy on the part of the House.

House Joint Resolution No. 12, Amending the Constitution of the State of Texas, by adding thereto Article 11a, so as to allow incorporated cities and towns, by vote of the tax-payers thereof, to exempt for a term of years from local taxation certain species of property.

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

COMMITTEE REPORTS.

(By unanimous consent.)

Committee Room,
Austin, Texas, April 5, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Finance, to whom was referred

House bill No. 136, being a bill to be entitled "An Act to provide relief for purchasers of school lands in Wharton county by relieving such purchasers from the payment of principal and interest for a period of two years,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do* pass, and that it be not printed.

Floor report.

YETT, Acting Chairman.

Committee Room,
Austin, Texas, April 5, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 100, being "An Act for

the relief of Mary E. Batchelor, widow of James W. Batchelor,"

And find the same correctly enrolled, and have this day, at 4:30 o'clock p. m., presented the same to the Governor for his approval.

WHEELER, Acting Chairman.

Committee Room,
Austin, Texas, April 5, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 69, being "An Act to amend an Act passed by the Twenty-fifth Legislature, entitled 'An Act to amend Article 976, Chapter 8, Title XXVII, of the Revised Civil Statutes of the State of Texas, relating to the payment of costs and returning mandates in the Supreme Court,' by adding thereto Article 976a, regulating the time in which mandates may be taken out of the Supreme Court,"

And find the same correctly enrolled, and have this day, at 4:30 o'clock p. m., presented the same to the Governor for his approval.

WHEELER, Acting Chairman.

Committee Room,
Austin, Texas, April 5, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 305, being a bill to be entitled "An Act to amend Article 185, of the Penal Code of the State of Texas, relating to keeping open barrooms, saloons and other places where intoxicating liquors are sold on election day, and to the sale and giving away intoxicating liquors on election day, so as to extend the provisions of said article to primary elections,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do* pass.

TURNEY, Chairman.

HOUSE BILL NO. 421—ON THIRD READING.

On motion of Senator James, the pending order of business (Senate bill No. 169) was suspended and the Senate took up, out of its order,

House bill No. 421, A bill to be entitled "An Act to restore and confer upon the county court of Titus county the criminal jurisdiction heretofore belonging to it under the Constitution and general statutes of the State of Texas, to con-

form the jurisdiction of the district court to such change, and to repeal all laws in conflict with this act, and declaring an emergency."

The Chair laid the bill before the Senate on its third reading.

Bill was read third time, and passed.

FIFTH HOUSE MESSAGE.

The following fifth House message was here delivered to the Senate:

Hall of the House of Representatives.
Austin, Texas, April 5, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 432, A bill to be entitled "An Act to facilitate the tracing of stolen or illegally disposed of cotton," with amendment.

House bill No. 390, A bill to be entitled "An Act requiring railroads to provide suitably equipped flat cars for the shipment of lumber and timber; to furnish such cars when requested so to do to shippers, and on failure so to do, authorizing the shipper to suitably equip such cars as are furnished, and to recover the value of such equipments before any court of competent jurisdiction in this State."

House bill No. 191, A bill to be entitled "An Act to amend Article 5087, of Chapter 2, Title CIV, of the Revised Civil Statutes of 1895."

House bill No. 436, A bill to be entitled "An Act to regulate the hours of daily service of laborers, workmen and mechanics employed upon the public works of or work done for the State of Texas, and providing contract stipulations therefor, and fixing penalties for the violations of the provisions of this act."

House bill No. 397, A bill to be entitled "An Act to fix the liability of principals and their sureties on bail bonds given in misdemeanor cases."

Respectfully,

LEE J. ROUNTREE,
Chief Clerk House of Representatives.

HOUSE BILL NO. 372—REQUEST FOR FREE CONFERENCE COMMITTEE GRANTED.

Senator Sebastian called up the House message asking the Senate for a Free Conference Committee on House bill No. 372 (mineral survey bill), and moved that the request be granted.

The motion prevailed.

HOUSE BILL NO. 514—ON SECOND READING.

On motion of Senator Miller, the pending order of business (Senate bill No. 169) was suspended and the Senate took up, out of its order,

House bill No. 514, A bill to be entitled "An Act to amend certain sections of an act entitled 'An Act to incorporate the city of Dallas, and to grant it a new charter,' approved May 9, 1899, and subsequent amendments thereto, passed by the First Called Session of the Twenty-sixth Legislature, and to repeal certain sections thereof, and declaring an emergency."

On motion of Senator Miller, the Senate rule requiring committee reports to lay over for one day was suspended for the purpose of considering the bill on its second reading.

(Bill reported this day from committee.)

On motion of Senator Miller, the constitutional rule requiring bills to be read on three several days was suspended for the purpose of considering the bill on its second reading by the following vote:

Yeas—24.

Beaty.	Patterson.
Davidson of	Paulus.
Galveston.	Potter.
Dibrell.	Savage.
Grinnan.	Sebastian.
Hanger.	Staples.
Harris of Bexar.	Turner.
Harris of Hunt.	Turney.
James.	Wayland.
Lipscomb.	Wheeler.
Lloyd.	Wilson.
McGee.	Yett.
Miller.	

Nays—1.

Davidson of
DeWitt.

Absent.

Johnson.	Stafford.
Neal.	Swann.
Odell.	

Absent—Excused.

Goss.

The Chair laid the bill before the Senate, on its second reading.

Bill was read second time, with the following committee amendments:

1. Strike out all of Section 2 of said bill amending Section 9 of said charter.
2. Strike out all of Section 4 of said bill amending Section 31 of said charter.
3. Strike out all of Section 5 of said bill amending Section 32 of said charter.
4. Strike out all of Section 6 of said bill amending Section 33 of said charter.
5. Strike out all of Sections 15 and

17 of said bill amending or otherwise altering Sections 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211 and 212 of the charter of the city of Dallas as it now exists.

6. That the sections of this act be re-numbered so as to conform to the foregoing amendments striking out certain sections of said bill.

The foregoing committee amendments were read, and adopted.

(Senator Turner in the chair.)

Bill was passed to a third reading.

On motion of Senator Miller, the constitutional rule requiring bills to be read on three several days was further suspended and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Beaty.	Patterson.
Davidson of	Paulus.
Galveston.	Potter.
Dibrell.	Savage.
Hanger.	Sebastian.
Harris of Bexar.	Staples.
Harris of Hunt.	Turner.
James.	Turney.
Lipscomb.	Wayland.
Lloyd.	Wheeler.
McGee.	Wilson.
Miller.	Yett.
Odell.	

Nays—1.

Davidson of
DeWitt.

Absent.

Grinnan.	Stafford.
Johnson.	Swann.
Neal.	

Absent—Excused.

Goss.

Bill was read third time, and passed by the following vote:

Yeas—23.

Beaty.	Miller.
Davidson of	Paulus.
Galveston.	Potter.
Dibrell.	Savage.
Grinnan.	Sebastian.
Hanger.	Staples.
Harris of Bexar.	Turner.
Harris of Hunt.	Turney.
James.	Wayland.
Lipscomb.	Wheeler.
Lloyd.	Wilson.
McGee.	Yett.

Nays—3.

Davidson of
DeWitt. Patterson.

Absent.

Johnson.	Stafford.
Neal.	Swann.

Absent—Excused.

Goss.

Senator Miller moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

Motion to table prevailed.

RESOLUTION BY SENATOR ODELL
—MOTION TO RECONSIDER VOTE.

Senator Odell moved to reconsider the vote by which the Senate referred his resolution seeking to change the Senate rules, introduced this morning, which, on motion of Senator Potter, was referred to the Committee on Rules; and asked that the same be spread upon the Journal.

It was so ordered.

(Lieutenant-Governor Browning in the chair.)

IN THE SENATE.

The Chair had read, and referred the following House bills (see foregoing House message for captions):

House bill No. 432 referred to Judiciary Committee No. 2.

House bill No. 390 referred to Committee on Internal Improvements.

House bill No. 436 referred to Committee on Labor.

House bill No. 379 referred to Committee on Internal Improvements.

House bill No. 191 referred to Committee on Finance.

House Joint Resolution No. 12 referred to Committee on Constitutional Amendments.

SENATE BILL NO. 152—FREE CONFERENCE COMMITTEE
ASKED FOR.

Senator Davidson of Galveston called up from the table, where it lay with House amendments,

Senate bill No. 152, A bill to be entitled "An Act to aid the city of Galveston in elevating and raising said city, so as to protect it from calamitous overflows, by donating and granting to it the State ad valorem, occupation and poll taxes collected upon property and from persons in said city for a period of fifteen years, and to provide a penalty for their misapplication,"

And moved that the Senate do not concur in the House amendments thereto, and ask for the appointment of a Free Conference Committee.

The motion prevailed, and

SENATE BILL NO. 152—FREE CONFERENCE COMMITTEE
NAMED.

The Chair announced the following committee:

Senators Davidson of Galveston, Neal, Hanger, Turner, Swann.

HOUSE BILL NO. 372—FREE CONFERENCE COMMITTEE NAMED.

The Chair also announced the appointment of the Free Conference Committee on House bill No. 372 (mineral survey bill), as follows:

Senators Patterson, Sebastian, Davidson of DeWitt, Turney, Dibrell.

ADJOURNMENT.

Senator Lipscomb moved that the Senate recess until 8 o'clock p. m., and

Senator Davidson of DeWitt moved that the Senate adjourn until 10 o'clock a. m. tomorrow.

Action recurring on the longest time first, the motion of Senator Davidson of DeWitt prevailed, and the Senate, at 6:40 o'clock p. m., accordingly adjourned by the following vote:

Yeas—14.

Beaty.	Patterson.
Davidson of	Paulus.
DeWitt.	Sebastian.
Dibrell.	Staples.
Grinnan.	Turney.
Hanger.	Wayland.
Harris of Bexar.	Yett.
Miller.	

Nays—11.

Davidson of	McGee.
Galveston.	Odell.
Harris of Hunt.	Potter.
James.	Savage.
Lipscomb.	Turner.
Lloyd.	Wilson.

Absent.

Johnson.	Swann.
Neal.	Wheeler.
Stafford.	

Absent—Excused.

Goss.

FIFTY-SIXTH DAY.

Senate Chamber,
Austin, Tex., Saturday, April 6, 1901.

Senate met pursuant to adjournment. Lieutenant-Governor Browning in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Present—27.

Beaty.	Grinnan.
Davidson of	Hanger.
DeWitt.	Harris of Bexar.
Davidson of	Harris of Hunt.
Galveston.	James.
Dibrell.	Johnson.

Lipscomb.	Stafford.
Lloyd.	Staples.
McGee.	Swann.
Miller.	Turner.
Odell.	Turney.
Paulus.	Wayland.
Potter.	Wheeler.
Savage.	Wilson.
Sebastian.	

Absent—3.

Neal.	Yett.
Patterson.	

Absent—Excused.

Goss.

Prayer by the Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of yesterday,

On motion of Senator Stafford, the same was dispensed with.

The Chair here declared the morning call concluded.

HOUSE BILL NO. 136—ON SECOND READING.

On motion of Senator Lipscomb, the pending order of business (Senate bill No. 169) was suspended, and the Senate took up, out of its order,

House bill No. 136, A bill to be entitled "An Act to provide relief for purchasers of school lands in Wharton county, by relieving such purchasers from the payment of principal and interest for a period if five years."

The Chair laid the bill before the Senate, on its second reading.

Bill was read second time, and

Senator Lipscomb offered the following amendment:

"Amend caption of bill to read 'Brazoria, Waller, Fort Bend, Harris and Matagorda counties,' after Wharton; and also add these counties in the body of the bill wherever the name 'Wharton county' appears."

Amendment was read, and adopted.

The bill was then passed to a third reading.

On motion of Senator Lipscomb, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—21.

Beaty.	Lloyd.
Davidson of	McGee.
DeWitt.	Miller.
Grinnan.	Odell.
Hanger.	Paulus.
Harris of Bexar.	Potter.
Harris of Hunt.	Savage.
Johnson.	Sebastian.
Lipscomb.	Stafford.